

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 20401 of 2002

Between:

G. Koteswaramma W/oNageswara Rao
Agricultural College, Bapatla,
R/o Bapatla, Guntur District

..... PETITIONER

AND

1. The Registrar, Acharya N.G. Ranga Agricultural
University, Rejendranagar, Hyderabad
2. The Principal, Agricultural College,

Bapatla, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in continuing the petitioner as a casual labourer since 1977 not absorbing her in a regular vacancy in spite of availability of regular vacancies and not paying minimum regular scale of pay attached to the post is wholly illegal, arbitrary, unjust and violative of Articles 14,16 and 21 of the Constitution of India.

Counsel for the Petitioner : MR.RAVI KONDAVEETI

Counsel for the Respondent No.: MR.B.SIVA REDDY

SC FOR ACHARYA N.G.RANGA AGRICULTURAL UNIVERSITY

The Court made the following :

ORDER

-

This writ petition is filed seeking a Mandamus declaring the action of the respondents in continuing the petitioner as a casual labourer since 1977 and not absorbing her in a regular vacancy in spite of availability of regular vacancies, as arbitrary and illegal.

According to the petitioner she has been working as casual labourer in the 2nd respondent college since 1977. In the seniority list prepared by the respondents in the year 1996, her name was shown at Sl.No.13 and subsequently another seniority list was prepared by the respondents in the year 1998, wherein her name was shown at Sl.No.25, and in the said list, the services of many of her juniors were regularised, whereas the petitioner has been denied such a benefit. Hence, the writ petition.

The respondents filed counter denying the allegations made by the petitioner. In the counter,

it is stated that the name of the petitioner in the seniority list of casual labourers working at Agricultural College, Bapatla, as on 16.07.1996, was shown at Sl.No.21 but not at Sl.No.13 as claimed by the petitioner, and subsequently her name at serial No. 21, in the seniority list, is altered to 25, which was prepared in the year 1998, since four casual labourers of the hostel are included in the seniority list at Sl.Nos.14, 15, 16 and 17, taking into consideration the part-time services rendered by them in view of the understanding reached between Associate Dean, Agricultural College, Bapatla and labour unions-representatives on 17.10.1997. Further, it is asserted that the respondents never regularised the services of persons who are juniors to the petitioners.

In view of the submission made by the respondents, there is nothing wrong in not regularizing the services of the petitioner, since her turn has not been matured and none of her juniors have been regularised in the department.

However, learned counsel for the petitioner submits that between 2002 and as on date, many vacancies have arisen and the petitioner is entitled for consideration for being absorbed on regular basis.

In view of the submissions made by the learned counsel for the petitioner, this writ petition is disposed of directing the respondents to consider the case of the petitioner, as per her eligibility, for regular absorption, as and when vacancies arise. It is unfortunate that the respondents have taken some irrational stand stating that when a test was conducted earlier, the petitioner was slow in attending to the works and, therefore, she is not entitled for regular absorption, though she has been working since 1977, and therefore, she is not entitled for regular absorption. Without reference to these statements made in the counter, the respondents shall consider the case of the petitioner as per her seniority and eligibility, as and when vacancies arise. No costs.

JUSTICE C.V.RAMULU

2nd DECEMBER, 2004

PGS

To

1. The Registrar, Acharya N.G. Ranga Agricultural University, Rajendranagar, Hyderabad
2. The Principal, Agricultural College,
Bapatla, Guntur District
3. Two C.D. Copies

THE HONOURABLE SRI JUSTICE

C.V.RAMULU

WRIT PETITION NO.20401 OF 2002

2nd DECEMBER, 2004